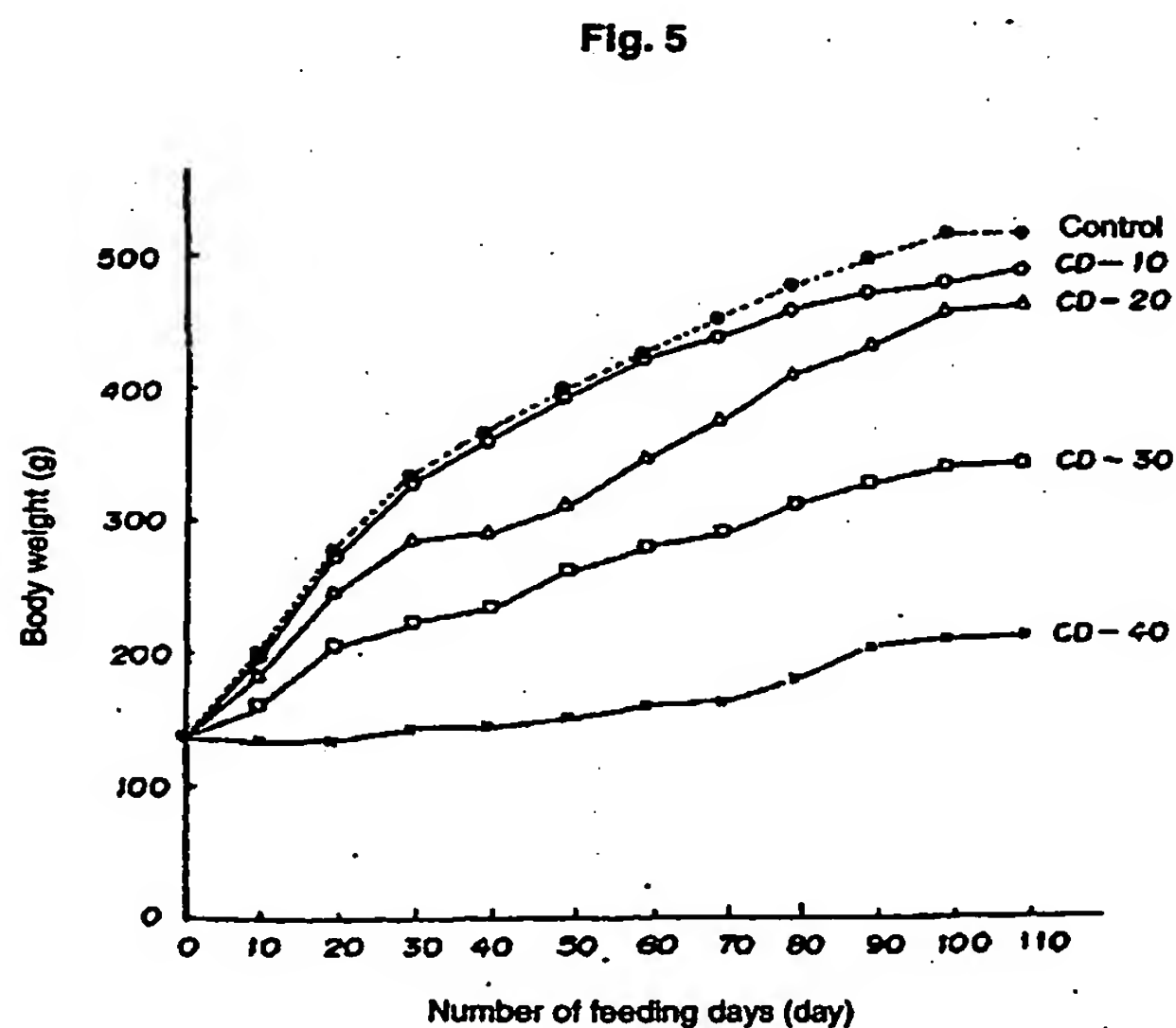


REMARKS

Applicants have amended page 10 to delete the sentence "If the α -cyclodextrin is less than 20% of the total dietary intake, S60-094912 reports there is no significant difference in weight loss as compared to a control diet" (lines 23-25). In drafting the application the undersigned relied on a combination of the references as the basis for the statement. In particular, the undersigned relied on the Japanese reference Unexamined Patent Application S60-94912 (Inventor Suzuki et al.), particularly page 7, lines 3-5 of the English translation provided herewith, which recites:

"To achieve the objective of the present invention, α -cyclodextrin (and α -cyclodextrin for the composition with α -cyclodextrin as the major component) should be used at 10% or more. For body weight suppression and body weight reduction, preferably it should be used at 20% or more, even more preferably used in the range of 20-30%."

The reference also includes the following graph, Figure 5:



The undersigned also relied on the journal article "Nutritional Significance of Cyclodextrins: Indigestibility and Hypolipemic Effect of α -Cyclodextrin", *J. Nutr. Sci. Vitaminol.*, 31:209-223 (1985) by Masahige Suzuki and Atsuko Sato (Masahige Suzuki is first named inventor on the Japanese application). The journal article has many of the same

figures as the Japanese application, e.g. Figure 4 in the journal article is the same as Figure 5 in the application.

The journal article states “A significant difference in weight gain was observed between the control and CD-30 and 40 groups ($p < 0.05$).” (page 215, 2d full sentence). The CD-30 and CD-40 diets contain a total of 18% and 24% α -cyclodextrin respectively. The legend of Figure 4 in the Suzuki and Sato journal article states “Values not followed by the same letter are significantly different.” The control, CD-10 (6% α -cyclodextrin) and CD-20 (12% α -cyclodextrin) diets are followed by the same letter “a” demonstrating that the body weight gain in rats fed the CD-10 and CD-20 diets were NOT significantly different from the control.

The undersigned now understands that the statement on page 10, lines 23-25 of this application might be construed as being inconsistent with the Japanese application or journal article. In the event that the statement is inconsistent with the Japanese application or journal article, such inconsistency was unintentional and applicants’ representative along with applicants take this opportunity to delete this statement from their application. The Japanese application and journal article are provided in an information disclosure statement for evaluation by the Examiner.

Applicants have also deleted the sentence on page 40 which recites: “ α -cyclodextrin (5g) was then re-introduced into the dogs food and the diarrhea was once again eliminated.” The undersigned introduced this sentence into an earlier draft of this application prior to the inventors’ review. Upon their review the inventors requested that the sentence be amended to recite “controlled.” In the final version of the application, which was filed, the revision was unintentionally omitted and went unnoticed. Applicants’ representative and applicants take this opportunity to delete this statement from the application.

Application No.: 10/628,475

Docket No.: AJC 201.1 US

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 06-2375, under Order No. AJC 201.1 US/10304772. A duplicate copy of this paper is enclosed.

Dated: Dec. 22, 2003

Respectfully submitted,

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